

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

EXECUTIVE TRIM CONSTRUCTION, INC.,
doing business as Executive Group,

Plaintiff,

vs.

**1:20-cv-544
(MAD/DJS)**

**CHRISTOPHER GROSS; SUDDATH VAN
LINES, INC., a Florida Corporation; and
SUDDATH VAN LINES, INC., doing business as
Suddath Workplace Solutions,**

Defendants.

APPEARANCES:

OF COUNSEL:

ROEMER WALLENS GOLD & MINEAUX, LLP
13 Columbia Circle
Albany, New York 12203
Attorneys for Plaintiff

MATTHEW J. KELLY, ESQ.

Mae A. D'Agostino, U.S. District Judge:

TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

In a complaint dated May 14, 2020, Plaintiff alleges that Defendants, among other things, misappropriated trade secrets in violations of federal and state law. *See* Dkt. No. 1. That same day, Plaintiff filed a motion for a temporary restraining order by order to show cause. *See* Dkt. No. 2. Having found that Plaintiff has satisfied the requirements of Rule 65(b) of the Federal Rules of Civil Procedure for the issuance of injunctive relief without notice, Plaintiff's request for a temporary restraining order is granted as set forth below.

An application having been made by Plaintiff for an Order seeking injunctive relief upon Defendants Christopher Gross, Suddath Van Lines, Inc. and Suddath Van Lines, Inc. d/b/a Suddath Workplace Solutions, and upon the annexed affidavit of Lance Orcutt sworn to on the

14th of May , 2020, and the affidavit of Matthew J. Kelly, Esq. sworn to on th 14th day of May, 2020, and the memorandum of law annexed thereto, and said application having regularly been come on to be heard, it is hereby

ORDERED that Defendants or their attorneys show cause at the United States District Court, James T. Foley U.S. Courthouse, on **Friday, May 29, 2020, at 11:00 o'clock in the forenoon of that day**,¹ or as soon thereafter as counsel can be heard, why an Order should not be issued granting a preliminary injunction pursuant to Rule 65(a) of the Federal Rules of Civil Procedure in this matter, as against Defendants as to the retention and utilization of certain proprietary information belong to Plaintiff in the possession of Defendants and granting such other and further relief as may be just and proper. Defendants shall file all opposing papers herein by **5:00 p.m., on Monday, May 25, 2020**, and Plaintiff shall file all reply papers by **5:00 p.m., on Wednesday, May 27, 2020**. Service of the response and reply shall be by electronic and/or facsimile transmission; and it is further

ORDERED that, pending the hearing and resolution of the motion for a preliminary injunction, Defendants Christopher Gross, Suddath Van Lines, Inc., and Suddath Van Lines, Inc. d/b/a Suddath Workplace Solutions are **ENJOINED** pursuant to Rule 65(b) of the Federal Rules of Civil Procedure from utilizing, exploiting, transferring, copying, secreting, or otherwise employing any information transmitted by Christopher Gross to Suddath Van Lines, Inc. and/or Suddath Van Lines, Inc d/b/a/ Suddath Workplace Solutions with regard to bidding documents and other proprietary information belonging to Plaintiff; and it is further

¹ In light of the ongoing COVID-19 pandemic, the hearing on the this application will be conducted by video conference, unless the parties otherwise waive the required hearing. The Clerk of the Court will be in contact with the parties, once counsel for Defendants has made an appearance in this matter to provide them with the necessary information.

ORDERED that Defendants shall not utilize any of the bidding documents, prepared by Plaintiff or its agents and employees, including Defendant Christopher Gross, and shall segregate and safeguard all such documents for filing with this Court; and it is further

ORDERED that service of this Temporary Restraining Order and Order to Show Cause upon Defendants by Federal Express or other expedited delivery service to Defendant Christopher Gross' residence in Wilton, Connecticut and Defendants Suddath Van Lines, Inc. and Suddath Van Lines, Inc. d/b/a Suddath Workplace Solutions at their corporate office in Jacksonville, Florida by **Monday, May 18, 2020**, shall be considered good and sufficient service.

IT IS SO ORDERED.

Dated: May 15, 2020
Albany, New York


Mae A. D'Agostino
U.S. District Judge